

DECISION DOCUMENT

for

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 Region



September 2014

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 but do not exempt those fish from other U.S. regulations. 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.

In December 2013, the South Atlantic Council made a motion to add a provision to leave the skin on dolphin and wahoo, and explore a hail-in or Vessel Monitoring System (VMS) provision. The South Atlantic Council also moved to set bag/possession limits for dolphin and wahoo brought into the U.S. EEZ from the Bahamas to allow two fillets per fish, for a maximum of 36 fillets, or 18 fish intact (or any combination). Additionally, the South Atlantic Council made a motion to address the issue of transporting species under the Snapper Grouper Fishery Management Unit (FMU) from The Bahamas into the U.S. EEZ along similar guidelines as is under consideration for dolphin and wahoo.

Note: IPT recommended changes and Committee action items are highlighted.

Purpose and Need for Action

Purpose: The purpose of these management measures is to allow recreational fishermen to bring dolphin and wahoo fillets from The Bahamas into the U.S. EEZ and update regulations that currently allow recreational fishermen to bring snapper grouper fillets from The Bahamas into the U.S. EEZ.

Need: The management measures are needed to increase the social and indirect economic benefits to recreational fishermen by removing impediments to allowing the possession of fish in the U.S. EEZ that were legally harvested in Bahamian waters.

REQUIRED COMMITTEE ACTION:

Option 1: Accept the recommended wording changes

Option 2: Modify purpose and need

Option 3. Do not modify purpose and need

Option 4: Others??

What would Dolphin Wahoo Amendment 7/Snapper Grouper Amendment 33 do?

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

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.

Preferred Alternative 2: 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

Pros and Cons of Dolphin Wahoo Amendment 7/ Snapper Grouper Amendment 33

Pros

- Fillets take up less room in a cooler, thus easier to transport safely.
- Regulations would be consistent for bringing dolphin, wahoo and snapper grouper species from The Bahamas into the U.S. EEZ, except that the Council is considering exempting dolphin and wahoo from the U.S. bag limit requirements.

Cons

- A vessel with fillets onboard must be in continuous transit within the U.S. EEZ (i.e., cannot stop or fish).
- Vessels could be restricted to U.S. and Bahamian possession limits, and must be in compliance with all other U.S. and 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).

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. A rod and reel must be removed from the rod holder and stowed securely on or below deck. Sinkers must be disconnected from the down rigger and stowed separately.

Public comments:

Thirteen public comments were received in favor of allowing dolphin and wahoo to be brought back from The Bahamas as fillets. However, 10 commenters were not in favor of requiring rods to be removed from the rod holders as many vessels who participate in this fishery do not have adequate storage for the rods on or below deck. Many feared that requiring rods to be left on deck could lead to damage of the gear or be a safety concern. No one was against removing terminal tackle from the rods. One commenter spoke against having 2 fillets being equal to 1 fish because of the size of the fillets sometimes makes it impractical to store a single side of a fish as one fillet.

REQUIRED COMMITTEE ACTION:

- Option 1: Accept the recommended wording changes
- Option 2: Modify action and alternatives
- Option 3: Do not modify action and alternatives
- Option 4: Others??

Action 2. Exempt dolphin and wahoo harvested lawfully from The Bahamas from the bag and possession limits in the U.S. EEZ. Vessels may possess onboard 2 wahoo per person and 10 dolphin per person with a maximum of 60 dolphin.

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. These limits currently also apply to fish lawfully harvested from The Bahamas.

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

Preferred Alternative 3: Exempt wahoo lawfully harvested in The Bahamas from regulations for bag limits in the U.S. EEZ.

Public Comments:

Two commenters stated that if the fish are legally harvested in The Bahamas, the fishermen ought to be allowed to bring the fish back into the U.S. EEZ.

REQUIRED COMMITTEE ACTION:

Option 1: Accept the recommended wording changes

Option 2: Modify action and alternatives

Option 3: Do not modify action and alternatives

Option 4: Others??

Action 3: Require fillets of dolphin, wahoo, and snapper grouper species brought into the U.S. EEZ lawfully harvested 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 or scales intact.

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

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

Public Comments:

Two commenters stated that if the fish are legally harvested in The Bahamas, the fishermen ought to be allowed to bring the fish back into the U.S. EEZ.

REQUIRED COMMITTEE ACTION:

Option 1: Accept the recommended wording changes

Option 2: Modify action and alternatives

Option 3: Do not modify action and alternatives

Option 4: Others??

Action 4: In addition to possessing valid Bahamian cruising and fishing permits, require stamped and dated passports to prove that vessel passengers were in The Bahamas if the vessel is in possession of snapper grouper fillets in the U.S. EEZ.

Alternative 1 (No Action): Vessels bringing snapper grouper fillets into the U.S. EEZ from The Bahamas are required to have valid current Bahamian cruising and fishing permits onboard the vessel.

Preferred Alternative 2: 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.

REQUIRED COMMITTEE ACTION:

Option 1: Accept the recommended wording changes

Option 2: Modify action and alternatives

Option 3: Do not modify action and alternatives

Option 4: Others??

Action 5: Specify the number of snapper grouper fillets lawfully harvested in The Bahamas that may be brought into the U.S. EEZ.

Alternative 1 (No Action): 60 lbs, or 20 fish of snapper grouper species lawfully harvested in The Bahamas may be brought into the U.S. EEZ. 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.

Preferred Alternative 2: Two fillets of snapper grouper species, regardless of the size of the fillet will count as 1 fish towards the possession limit. Up to 40 fillets of snapper grouper species lawfully harvested in The Bahamas may be brought into the U.S. EEZ. 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

Public Comment

One commenter spoke against having 2 fillets being equal to 1 fish because of the size of the fillets sometimes makes it impractical to store a single side of a fish as one fillet.

REQUIRED COMMITTEE ACTION:

Option 1: Accept the recommended wording changes

Option 2: Modify action and alternatives

Option 3: Do not modify action and alternatives

Option 4: Others??

Additional Action

REQUIRED COMMITTEE ACTION:

Option 1. Approve the draft document for DW Amendment 8/SG Amendment 34/GC Amendment 9 for submission for secretarial review and deem the codified text as necessary and appropriate.

Option 2. Do not approve the draft document for DW Amendment 8/SG Amendment 34/GC Amendment 9 for submission for secretarial review and do not deem the codified text as necessary and appropriate.

Option 3. Others??

DRAFT MOTION: APPROVE DOLPHIN WAHOO AMENDMENT 7 AND SNAPPER GROUPER AMENDMENT 33 FOR 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 Amendment 7/SG Amendment 33

- South Atlantic Council reviews public input, revises document as necessary, and takes final action in September 2014.
- Submit DW Amendment 7/SG Amendment 33 for formal review by October 31, 2014.
- Target date for regulations to be in place by Summer 2015.

Updated Bahamian Regulations

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. Snapper grouper species are covered under demersal fish, and Bahamian regulations allow 60 pounds or 20 fish per vessel. For more information, see:

http://laws.bahamas.gov.bs/cms/images/LEGISLATION/SUBORDINATE/1986/1986-0010/FisheriesResourcesJurisdictionandConservationRegulations_1.pdf

Inward Declaration and Application for Cruising Permit

Under customs regulation, captains sailing pleasure vessels not carrying cargo and operated for pleasure and recreation only, who are not sailing for reward or remuneration or for business purposes, must provide an inward declaration and apply for a cruising permit in order to sail from island to island within The Bahamas.

Eligibility

Captains sailing pleasure vessels operated for pleasure and recreation only.

Process

1. Complete the required forms.
2. Present forms to the Customs Officer at the point of arrival at your port of entry in The Bahamas.
3. Once the form is processed, a copy of the processed form will be given to you and will serve as your Cruising Permit.

Application Form(s)

1. [Inward Declaration and Application for Cruising Permit](#) (Form C2A)
2. [Maritime Declaration of Health Form](#)

Supporting Documents

- **Proof of citizenship/Identification for the captain (Passport) and other crew and passengers.**

Turn-around time

At the time of application once all documents are approved.

Deadline

This process must be completed within 24 hours after arrival into Bahamian waters. No passengers or crew are to disembark until the process is completed.

Obtaining a Recreational Fishing Permit

A Sport Fishing Permit is a licence granted to authorize foreign-owned vessels to be engaged in sport fishing exercises while in Bahamian waters. Current regulations state that both Customs and Immigration formalities must be completed before the license can be issued. Permits can be obtained from the Bahamian Customs Officer at the time of entry or from the Department of Marine Resources after entry. There are no eligibility criteria for this service.

Process:

At the time of entry into the Bahamas.

1. Complete the relevant application form.
2. Submit completed application form, along with the required supporting documents, to the Bahamian Customs Officer.
3. Pay the required fee.
4. Permit will then be issued to applicant.

From the Department of Marine Resources

1. Complete the relevant application form.
2. Submit completed application form, along with the required supporting documents, to the Department of Marine Resources.
3. Pay the required fee.
4. Permit will then be issued to the applicant.

Note: The duration of the permit is determined by the applicant. A permit can either be issued on a “per trip basis” or an “annual basis”

This service can be accessed at the following locations:

Ports of Entry throughout The Bahamas

or:

Department of Marine Resources

East Bay Street

P.O. Box N-3028

Nassau, New Providence

The Bahamas

Tel. [\(242\) 393-1777](tel:(242)393-1777)

Fax. [\(242\) 393-0238](tel:(242)393-0238)

E-mail: fisheries@bahamas.gov.bs

For more information on cruising permits and fishing permits, see:

<http://www.bahamas.gov.bs/wps/portal/public/gov/>

Florida Regulations

In Florida, dolphin, wahoo, and snapper grouper species 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>

For snapper grouper species, see:

<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=68B-14>

OLE Concerns with the Amendment

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.

NOAA/OLE had recommended against the current provision of allowing fillets of snapper grouper species during the development of Amendment 8 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region (SAFMC 1997), since it is difficult to enforce. USCG requires all species of fish brought into the U.S. EEZ from The Bahamas to be whole. The state of Florida only has a “gentleman’s agreement” that currently allows fillets of snapper grouper species harvested in The Bahamas, to be landed in Florida.

NOAA/OLE recommended against fillets of any species, and has specific concerns with the actions in this amendment:

- No NOAA/OLE agreement exists with The Bahamas.
- Species identification at sea is difficult, especially if the fish are frozen in a block of ice.
- NOAA/OLE does not have certified scales onboard their vessels to weigh the fish.
- It is easy to conceal fillets on a vessel.
- It is expensive to send fish out for DNA analysis (to determine if fillets belong to a prohibited species, or a species taken out of season).
- Difficult to prove fish were caught in Bahamian waters and not in the U.S. EEZ.

NOAA/OLE had recommended removing the current exemption of head and fins intact for snapper-grouper species during the discussion of this amendment.